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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,004

12/27/2004

Andre Derouet

Q85295

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23373 7590 02/06/2008
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EXAMINER

HONG, JOHN C

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,004	Applicant(s) DEROUE, ANDRE	
	Examiner JOHN C. HONG	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-7 in the reply filed on 1/18/08 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, "said fluid dispenser device" lacks antecedent basis.

Claim 1, line 5, "the cavities" and "the first multi-cavity" lack antecedent basis.

Claim 7, lines 2 and 3, "the angular orientation" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by JP10175230.

'230 discloses : Regarding Claim(s) 1, a system for molding and assembling the system comprising two multi-cavity molds for molding two different parts of the fluid dispenser device, the system being characterized in that the first part is a spray head and the second part is an insert

Art Unit: 3726

for assembling in the spray head, the system comprising means for assembling parts coming from each of the cavities of the first multi-cavity mold in pairs always with parts coming from a corresponding respective cavity of the second multi-cavity mold, such that the same insert is always assembled in the same spray head, thereby guaranteeing constant spraying performance for each dispenser device assembled from the same pair of cavities (Abstract; Figs. 1 and 2); Regarding Claim 2, a system for molding and assembling a fluid spray device, the system comprising two multi-cavity molds for molding two different parts of the fluid dispenser device, the system being characterized in that the first part is a spray head and the second part is an insert for assembling in the spray head, the system comprising means for assembling parts coming from each of the cavities of the first multi-cavity mold in pairs always with parts coming from a corresponding respective cavity of the second multi-cavity mold, such that the same insert is always assembled in the same spray head, thereby guaranteeing constant spraying performance for each dispenser device assembled from the same pair of cavities (Abstract); Regarding Claim(s) 3, the molding and assembly of the head and the insert are performed in a common molding and assembly unit, the molding and assembly unit comprising: a first mold portion and a second mold portion that are movable in translation towards each other to close and open the molding and assembly unit; the first mold portion defining part of a first multi-cavity mold, and including a core plate defining part of a second multi-cavity mold, the core plate being mounted to turn about the translation axis of the molding and assembly unit, and the second mold portion defining part of a second multi-cavity mold, and including a cavity plate defining part of the first multi-cavity mold, the cavity plate being mounted to rotate about the translation axis of the molding and assembly unit; and the core plate being offset perpendicularly from the translation

Art Unit: 3726

axis of the molding and assembly unit relative to the cavity plate in such a manner that the two plates overlap each other in part so as to define an assembly zone, and are partially offset from each other so as to define the two respective multi-cavity molds (Abstract); Regarding Claim(s) 4, each of the core and cavity plates has at least two mold cavities disposed in such a manner that when the molding and assembly unit is closed, at least one cavity is situated in the assembly zone and at least one cavity is situated in the corresponding multi-cavity molds (Abstract); Regarding Claim(s) 5, each cavity of the core plate is always situated facing the same corresponding cavity of the cavity plate (Abstract).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is **intended to be employed does not differentiate** the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP10175230.

'230 teach the limitation except the multi-cavity molds is identified after molding and is stored separately from the other parts prior to assembly and orientation-defining means, such that during assembly, the angular orientation of the head relative to the insert is always identical.

But it is well known in the art that utilizing the multi-cavity molds is identified after molding and is stored separately from the other parts prior to assembly and orientation-defining means, such that during assembly, the angular orientation of the head relative to the insert is always identical, and It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the above well known in the art on the system of '230 so as to produce workpiece with consistent quality.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN C. HONG whose telephone number is 571-272-4529. The examiner can normally be reached on M-F 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID BRYANT can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 3726

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN C HONG/
Primary Examiner, Art Unit 3726

Jh
2/3/08